WALTA'S "AMENDMENT 2 COMPROMISE": MUCH WORSE THAN A REPEAL

Not only would Attorney Greg Walta's so-called "alternative proposal" effectively repeal Amendment 2 -- but worse, it would actually replace it in the Colorado Constitution with the equivalent of a watered-down "gay-rights" bill! And he thinks Amendment 2 supporters should embrace it? Amazing. Those who voted "Yes" on Amendment 2 should -- and will -- oppose it with all their strength. Here are the two main reasons why this proposal is actually a frontal attack on Amendment 2 wrapped in the pretty language of "compromise":

1. Walta says his proposal will "prohibit all discrimination against gays, yet deny them special rights", omitting the fact that a claim to discrimination is itself a "special right". He seems to have missed one of the campaign's key points: giving homosexuals a claim to discrimination based on protected status is one of the key "special rights" Coloradans voted to prevent.

He, and the homosexual activists who now solemnly claim they were never after "special rights", are trying to create and exploit confusion over the term itself. They want Coloradans to swallow the notion that quotas, affirmative action and "minority privileges" are "special rights", while the right to claim discrimination is only a "basic human freedom". And that is nonsense.

Once more for the record: being declared, as a class, immune from discrimination is to receive an extraordinary legal recognition. Because the ability to claim discrimination based on membership in a protected class belongs only to the few who really need it, and because this right is remedial in nature -- that is, designed to remedy documented economic, professional, cultural and political oppression -- it most certainly is a special right.

And without a doubt, giving homosexuals the protected minority status bestowed by a claim to discrimination represents a radical departure from the direction and integrity of our civil rights structure. If a group that is remarkably affluent, professionally advanced and politically powerful (sound systematically discriminated against to you?), can commandeer a claim to discrimination originally intended for poor, professionally and politically excluded minorities -- and solely on the basis of their sexual behavior -- then the whole meaning of a "protected minority" will have been destroyed. And the entire civil rights movement fought in vain.

In short, Mr. Walta, banning discrimination against homosexuals is giving them "special rights". Your proposal draws a distinction which does not exist.

2. This proposal cannot actually prevent affirmative action quotas for homosexuals while granting them a claim to discrimination at the same time -- the protected status and the quotas go together; one is the after-effect of the other. Walta would like us to believe that we can vote to prohibit discrimination against gays, yet refrain from giving them affirmative action quotas. Yet once a ban on discrimination is in place, affirmative action automatically becomes one of the options available for its execution; part of the ban's enactment procedures. You might say that if discrimination is the diagnosis, affirmative action is one of the medicines prescribed.

For instance, Presidential Executive Order 11246 automatically orders any government agency, or any company with government contracts, to immediately establish affirmative action quotas for any group added to the Civil Rights Act of 1964. This is not open to debate; once a group is added to the Civil Rights Act, the Executive Order is automatic. Homosexual activists, knowing this, have been trying to add themselves to the Act since the early 1970's. Likewise in the courts: once it's been determined that a group is systematically discriminated against and deserves a claim to discrimination, affirmative action quotas are one of judges' most common means of balancing the scales.

As a result, Walta's proposal cannot guarantee our state freedom from affirmative action or minority privileges for homosexuals. Just as Judge Bayless overruled the will of the people in January, a jurist would merely be following precedent if they enforced gays' protected status through quotas in every area of Colorado life: businesses, churches and schools.

Simply put, this proposal is a complete failure: it mandates exactly what it claims it would prohibit, and encourages exactly what it claims it would protect us from. By declaring homosexuals a protected class, this proposal does give them "special rights", but by doing so it makes it more -- not less -- likely that affirmative action quotas would be imposed. Walta advances this measure as a way to placate homosexual activists nationwide -- if Coloradans' intention had intended to placate the Politically Correct movement, they hardly would have voted for Amendment 2 in the first place. Mr. Walta says that without local support, his proposal will die. Colorado for Family Values recommends that anyone who voted "Yes" on Amendment 2 -- as well as the many who now wish they had -- vocally oppose this slap in our collective faces and do all we can to hasten its well-deserved death.

Kevin Tebedo
Executive Director
Colorado for Family Values